

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

MINUTES
SPECIAL CITY COUNCIL MEETING
10TH FLOOR CONFERENCE ROOM
MAY 1, 2006
4:00 P.M.

The City Council met at the above place and date at approximately 4:08 p.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call:

Ann Morgan Lilly
Susannah M. Byrd
Jose Alexandro Lozano
Presi Ortega, Jr.
Beto O'Rourke

Not Present:

Melina Castro
Eddie Holguin, Jr.
Steve Ortega

AGENDA

City Council Agenda for Tuesday, May 2, 2006 (attached).

The City Manager, City Department Heads, and Staff, presented to Council Members short briefings on the agenda items for the City Council Agenda for Tuesday, May 2, 2006, and answered the questions of Council Members.

Motion made by Representative Lozano, seconded by Representative O'Rourke, and unanimously carried to adjourn this meeting at 4:26 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk

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AGENDA FOR SPECIAL CITY COUNCIL MEETING

May 1, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, May 2, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

May 2, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police Chaplain Clift Barnes
Pledge of Allegiance

MAYOR'S PROCLAMATIONS

- 1. FOSTER CARE MONTH**
- 2. ELDER ABUSE PREVENTION MONTH**
- 3. SMALL BUSINESS WEEK**
- 4. NATIONAL DAY OF PRAYER**
- 5. BICYCLE MONTH IN EL PASO AND BIKE TO WORK DAY**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

- 1. APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of April 25, 2006, and Special City Council Meeting Minutes of April 24, 2006.

- 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

2A. Mayor John F. Cook

2B. Representative Presi Ortega, Jr.

- 3. RESOLUTIONS:**

3A. That the City Council (1) approve an Investor-Owned Housing Rehabilitation application and HOME Grant funding in the amount of \$900,000.00 for the rehabilitation of a twenty-four unit building at 6968 Alameda, pursuant to the terms set forth in the City of El Paso Housing Programs Handbook, Chapter Five (Investor-Owned Properties) and as recommended by the Director of Community and Human Development; and that City Council (2) authorize the City Manager to sign all appropriate closing documents necessary to secure the City's loans. **(District 3)** [Community and Human Development, Bob Hicks, (915) 541-4888]

3B. That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO ("Buyer") and MANUEL ACOSTA and MARTHA ACOSTA ("Sellers") and any other documentation necessary to consummate the acquisition of the following described legal property: a parcel of land containing 7,095 square

feet, more or less, described as the North one-half of Tract 107, North Valumbrosa, Unit Two, City of El Paso, El Paso County, Texas, in the amount of twenty-one thousand and no/100ths (\$21,000.00) to be used for the Roseway Street and Drainage Improvement Project. **(District 6)**. Project #: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000.

[Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]

- 3C.** That the City Manager be authorized to sign a Contract of Sale by and between the CITY OF EL PASO ("Buyer") and ANTONIO RAMIREZ and MARGARITA P. RAMIREZ ("Sellers") and any other documentation necessary to consummate the acquisition of the following described legal property: a parcel of land containing 7,095 square feet, more or less, described as the South one-half (1/2) of Tract 107, North Valumbrosa, Unit Two, a subdivision in the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 14, Page 39 of the Real Property records of El Paso, El Paso County, Texas, in the amount of twenty-three thousand nine hundred eighty-eight and no/100ths (\$23,988.00) to be used for the Roseway Street and Drainage Improvement Project. **(District 6)**. Project #: PBE04ST127; Fund: 29142; Department: 14200403; Account: 508000. [Development and Infrastructure Services, Patricia D. Aauto, (915) 541-4853]
- 3D.** That the City Manager be authorized to sign a Second Amendment to an Agreement for Engineering Services by and between the City of El Paso and ECM International, Inc., for a project known as "Golf Course at EPIA" in an amount not to exceed one hundred thousand one hundred seventy-three and 47/100 dollars (\$100,173.47). **(District 2)** [Engineering Department, Rick Conner, (915) 541-4200]
- 3E.** That the Mayor be authorized to sign a First Amendment to the Interlocal Agreement by and between the City of El Paso, Texas ("City"), acting in its capacity as the fiscal agent to the Metropolitan Planning Organization for the El Paso Urban Transportation Study Area ("MPO"), and the University of Texas at El Paso ("UTEP"), executed on September 27, 2005, to revise the scope of work and to increase the total compensation for completion of the project. **(All Districts)** [Metropolitan Planning Organization, Roy Gilyard, (915) 591-9735, Ext. 13]
- 3F.** That, pursuant to Preserve America grant application requirements, the El Paso City Council authorizes the City Manager to complete a grant application for funding of the Camino Real Heritage Tourism Plan for El Paso in the amount of \$50,350, and further expresses its willingness to accept such Preserve America funding, if provided, as well as its commitment to the project. **(All Districts)** [Museums and Cultural Affairs Department, Yolanda R. Alameda, (915) 541-4896]
- 3G.** To sign the First Amendment to an Agreement for Architectural Services by and between the CITY OF EL PASO and Lucero Melendez Architects for additional services related to a project known as "Chelsea and Hawkins Pool Improvements", to include pool deck drainage system and electrical survey for the bonding of all metal equipment for Chelsea pool. Funding Source – 2000 QOL Bond Program. **(District 2)** [Perspectiva + 3D/I (P+3), Veronica Harris, (915) 225-3451]
- 3H.** That the City Manager of the City of El Paso (the "City") is hereby authorized to sign a memorandum of understanding and facilities use agreement by and between the City and the Housing Finance Corporation (the "HFC") whereby the City agrees to provide the use of certain City facilities and services to the HFC,

including the employment of an individual to perform said services. **(All Districts)** [Quality of Life, Jorge Villegas, (915) 541-4550]

- 3I. Request City Council approve a resolution authorizing the City Manager to sign an amendment to the Agreement between the City of El Paso and the El Paso Zoological Society to provide for City reimbursement of financial consideration provided by the Zoological Society for an individual hired by the Society for certain marketing-type functions. **(All Districts)**
[Zoo, Lea R. Hutchinson, (915) 521-1855]

4. **BOARD APPOINTMENTS:**

- 4A. Andre Ewing to the Ethics Review Commission by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 4B. Philipp G. Dieter, III, to Building Board of Appeals, General Commercial Contractor category, by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]
- 4C. Selena N. Solis to the Art Museum Advisory Board by Representative Susie Byrd, District 2. [Representative Susie Byrd, (915) 541-4416]
- 4D. Federico (Fred) Perez to the Building and Standards Commission by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 4E. Rodney Jackson to the History Museum Board by Representative Melina Castro, District 4. [Representative Melina Castro, (915) 541-4400]
- 4F. Joe E. Tarin to the Airport Board by Representative Presi Ortega, Jr., District 5. [Representative Presi Ortega, Jr., (915) 541-4189]

5. **APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment A)

6. **FINANCIAL SERVICES:**

- 6A. Request that the Director Financial Services be authorized to issue Purchase Order(s) to Clear Channel Outdoor as a sole source provider in the amount of \$93,480.00 for billboard advertising for the Human Trafficking Public Awareness Campaign. Clear Channel Outdoor is the sole provider of billboards in the size and locations required to target the appropriate audience and demographic intended by this campaign. Services provided by Clear Channel Outdoor also include design and production. This public awareness campaign is funded by Federal Grant No. 2005-VT-BX-0014, entitled El Paso Human Trafficking Taskforce Grant. Additionally, it is requested that the City Manager be authorized to sign any and all additional documents and/or agreements as necessary. [Financial Services, Barbara Crumley, (915) 541-4315]

Funds for this expenditure shall be made available in the following account:

Department: Police
 Funds available in: 21150010-502116-05376-G210515
 Funding Source: Federal Policing Grant/Human Trafficking Grant
 Amount: \$93,480.00
District(s): All
 Sole Source No: 2006-136

- 6B.** Request that the Chief Financial Officer be authorized to exercise the City's option to extend the term of the agreement for one (1) additional year, from June 2, 2006, through June 1, 2007, pursuant to the provisions of contract 2004-146 Waste Removal and Disposal Services, with Safety-Kleen Systems Inc., El Paso, Texas. **(All Districts)** [Financial Services, Ray Heredia, (915) 541-4316]

Option No.: ONE [OF ONE]
 Amount of Award: \$28,668.84 EST/YR
 Account No: Various
 Funding Source: Various
 Department: Environmental Services

7. BEST VALUE PROCUREMENT:

This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.

Solicitation No. 2006-096 Janitorial Services - Municipal Service Center/Corrals
 Award to: Total Cleaning Services
 El Paso, TX
 Item(s): All
 Amount: \$49,855.44 (estimated per year)
 Department: General Services, Maintenance Division
 Funds available: 31010326-01101-502206
 Funding source: General Services, Maintenance Division Operating
 Account, Maintenance Service Contracts
 Total award: \$149,566.32 (estimated)
District (s): 3, 4, and 7

General Services, Maintenance Division and Financial Services, Purchasing Division recommend award as indicated, Total Cleaning Services offered the Best Value for this service.

This is a thirty-six month contract with the option to renew for one additional year. Total Cleaning Services offers 3%-10 Days, Prompt Payment Discount. [Financial Services, Ray Heredia, (915) 541-4316]

8. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No. 2006-069 Library shelving and furniture for Eastside
 Regional Library
 Award to: Libra-Tech Corporation
 Argyle, TX
 Item(s): Group I, Shelving – Items 1 through 46
 Amount: \$144,906.50

 Department: Library
 Funds available: 31130562-508009-60003-PPW0056005YR2
 Funding source: 2000 Quality of Life Bonds
 Total award: \$144,906.50
District (s): 5

The El Paso Public Library and Financial Services Departments recommend award as indicated to the lowest responsive offer meeting specifications from responsible parties.

This is a fixed-price, single (one-time) purchase, to purchase library shelving. This award is for Group I, Library Shelving, only. Offers for Group II, Library Furniture, are under review and an award for that portion of this bid will be made at a later date.

Libra-Tech Corporation offers options to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the options are exercised within sixty (60), ninety (90), and/or one hundred eighty (180) days from the date of award of the contract. No prompt payment discount was offered. [Financial Services, Barbara Crumley, (915) 541-4315]

9. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

9A. BT2006-679 LIBRARY

This budget transfer is needed to assist the Library in purchasing computer equipment for the Main Library.

Increase	\$50,000	Estimated Revenue
Increase	\$50,000	Data Processing Equipment

9B. BT2006-686 AIRPORT

Transfer of funds to cover the cost of electricity for Airport Cost Centers based on year to date use and current costs.

Increase	\$211,500	Estimated Revenue
Increase	\$211,500	Various Cost Centers

REGULAR AGENDA

10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

**Public comment typically is not taken during the introduction of ordinances.
 Public comments are invited at the date of the scheduled public hearing.**

10A. An ordinance authorizing the City Manager to sign a special warranty deed and any other documents necessary to properly convey Tract 9F3, Block 2, Ascarate Grant, an addition to the City of El Paso, El Paso County, Texas, including the

improvements thereon, to Centro de Salud Familiar La Fe, Inc., a Texas non-profit corporation. **(District 3)**

[Community and Human Development, Nathalie Prise, (915) 541-4341]

- 10B. An ordinance authorizing the conveyance by the City of El Paso to the Opportunity Center for the Homeless of Lots 7 and 8, (and improvements), Block 32, Franklin Heights, an Addition to the City of El Paso, being more particularly described in Volume 1877, Page 266, Deed Records of El Paso County, Texas, and authorizing the City Manager to execute a quitclaim (tax resale) deed to effectuate said conveyance. **(District 8)** [Tax Office, Juan F. Sandoval, (915) 541-4598]

PUBLIC HEARING WILL BE HELD ON MAY 16, 2006, FOR ITEMS 10A – 10B

- 10C. An Ordinance changing the zoning of Lot 5, Block 1A, Ranger Rest Subdivision Unit Four, El Paso, El Paso County, Texas, from R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 1110 Ranger Street. Applicant: Elva S. Torres. ZON06-00037 **(District 7)**

[Development Services/Planning, Melissa, Granado, (915) 541-4730]

PUBLIC HEARING WILL BE HELD ON MAY 23, 2006, FOR ITEMS 10C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

11. MAYOR AND COUNCIL:

Discussion and action on the eminent domain process, cost of acquisition, remodeling cost and future plans for the Fall mansion, "what are we, (the city) going to do with this property?" [Representative Jose Alexandro Lozano, (915) 541-4515]

12. DEVELOPMENT AND INFRASTRUCTURE SERVICES:

- 12A. Discussion and action on proposed text revisions to Title 20 (Zoning) of the El Paso Municipal Code as recommended by the Building & Zoning Advisory Committee: Chapter 20.02 (General Provisions and Definitions). **(All Districts)**
[Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

- 12B. Discussion and action regarding an appeal of the City Plan Commission decision on March 16, 2006, denying the street vacation application for Boston Avenue between Blocks 191 and 209, Alexander Addition. (SV06001) **(District 1)**
[Development Services, Rudy Valdez, (915) 541-4635]

13. FINANCIAL SERVICES:

- 13A. That the Director of Financial Services is authorized to notify Globe Electric Co., Inc. that the City is terminating Contract No. 2006-088-C2 for IMSA Signal Cable pursuant to the provisions and requirements of Section C, Paragraph 18A (Termination for Convenience), of the Contract Clauses. Globe Electric Co., Inc. has notified the City that they are unable to supply the cable due to the manufacturer's refusal to honor the prices originally quoted because of the increase in the cost of copper. The termination shall be effective as of May 2, 2006. **(All Districts)** [Financial Services, Barbara Crumley, (915) 541-4315]

The user Department was notified and a new solicitation will be issued.

Department: Street

13B. Solicitation No. 2006-066 Ground Maintenance-City Medians
Award to: Vendor 1: H. Repair Solutions
El Paso, Texas
Item(s): I and IV
Amount: \$302,650.00 (estimated yearly)
Award to: Vendor 2: Ledesma's
El Paso, Texas
Item(s): II
Amount: \$28,080.00 (estimated yearly)
Award to: Vendor 3: New Age Grass, LLC
El Paso, Texas
Item(s): III
Amount: \$16,999.99 (estimated yearly)
Total Yearly Award: \$347,729.99 (estimated yearly)
Department: Streets
Funds available: 32010155-01101-502221
Funding source: Operating Funds, Groundkeeping/Horticultural
Contracts
Total award: \$1,043,189.97 (estimated)
District (s): All

Street Department and Financial Services, Purchasing Division recommends awards as indicated as these vendors are the low responsive bidders meeting the City's Best Value Criteria.

This is a thirty-six (36) month contract with no option to extend the term of this contract. [Financial Services, Ray Heredia, (915) 541-4316]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Workers' Compensation Subrogation Interest Regarding Ruben Gonzales (551.071).
[City Attorney's Office, Maria Guadalupe Martinez, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>

ATTACHMENT A

APPLICATIONS FOR TAX REFUND: [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(see attachment)

TAX REFUNDS

May 2, 2006

- A. Tom Growney Equipment, Inc., in the amount of \$4,863.15 overpayment of 2004 taxes. (PID #1999-999-1142-0042).
- B. Tom Growney Equipment, Inc., in the amount of \$3,486.44 overpayment of 2003 taxes. (PID #1999-999-1142-0042).
- C. Applied Industrial Technologies in the amount of \$9,396.43 overpayment of 2005 taxes. (PID #2001-999-0915-0042).
- D. Wachovia Bank in the amount of \$103,041.78 overpayment of 2005 taxes. (PID #C115-999-0000-0010).
- E. LSI Tax Service in the amount of \$2,766.17 overpayment of 2005 taxes. (PID #C340-999-0530-2300).
- F. Washington Mutual in the amount of \$12,305.07 overpayment of 2005 taxes. (F609-999-0160-0600).
- G. Chase Home Finance in the amount of \$3,165.54 overpayment of 2005 taxes. (PID #H801-999-0090-0900).
- H. Land America in the amount of \$2,809.55 overpayment of 2005 taxes. (PID #H453-999-0090-1302).
- I. Prudential Asset Resources in the amount of \$10,722.48 overpayment of 2005 taxes. (PID #M347-999-0020-0100).
- J. Irwin Mortgage Corp. in the amount of \$3,240.32 overpayment of 2004 taxes. (PID #P654-999-1110-0300).
- K. Johasca, Ltd. in the amount of \$5,806.04 overpayment of 2005 taxes. (PID #R273-999-0010-1300).
- L. Government Employees Credit Union of El Paso in the amount of \$2,535.99 overpayment of 2005 taxes. (PID #S033-999-0110-0900).
- M. Select Portfolio Servicing, Inc., in the amount of \$49,434.75 overpayment of 2002, 2003 & 2004 taxes. (PID #S171-999-0080-2900)
- N. Land America Lawyers Title in the amount of \$2,719.63 overpayment of 2005 taxes. (PID #S052-999-0010-8600).
- O. Mary Morales Lowder in the amount of \$2,682.31 overpayment of 2005 taxes. (PID #S979-999-0270-8500).
- P. Chase Home Finance in the amount of \$9,116.44 overpayment of 2005 taxes. (PID #V893-999-1050-0900).

- Q. Trans Continental Title in the amount of \$2,603.98 overpayment of 2005 taxes.
(PID #V893-999-2100-3500)
- R. James P. Koehler in the amount of \$23,984.12 overpayment of 2005 taxes.
(PID #V893-999-2960-0100).
- S. CTI Group in the amount of \$2,542.57 overpayment of 2005 taxes.
(PID #V893-999-3570-1400).
- T. Cumming Property Tax Service in the amount of \$3,932.52 overpayment of 2003 taxes. (PID #X579-999-2450-0100).

Richarda Duffy Momsen
City Clerk

Juan F. Sandoval, M.P.A., C.T.A., R.T.A.
Tax Assessor/ Collector

/bv